

SENATE BILL 312

Unofficial Copy
P4
SB 559/03 - FIN

2004 Regular Session
4r1852
CF 4r1907

By: **Senators Pinsky, Conway, Exum, Garagiola, Grosfeld, Jimeno, Kelley,
Lawlah, Ruben, and Stone Stone, and Gladden**

Introduced and read first time: February 2, 2004
Assigned to: Finance

Committee Report: Favorable with amendments
Senate action: Adopted
Read second time: March 12, 2004

CHAPTER _____

1 AN ACT concerning

2 **State Personnel - Collective Bargaining - Binding Arbitration**

3 FOR the purpose of providing that a memorandum of understanding may provide
4 that a certain grievance is subject to binding arbitration under certain
5 circumstances; requiring that binding arbitration be conducted if requested by a
6 certain appointing authority or exclusive representative; prescribing the method
7 for selecting an arbitrator; establishing the powers and duties of an arbitrator;
8 providing for the payment of the cost of arbitration; defining a certain term; and
9 generally relating to binding arbitration.

10 BY adding to

11 Article - State Personnel and Pensions
12 Section 3-701 ~~through 3-706, inclusive, and 3-702~~ to be under the new subtitle
13 "Subtitle 7. Binding Arbitration"
14 Annotated Code of Maryland
15 (1997 Replacement Volume and 2003 Supplement)

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
17 MARYLAND, That the Laws of Maryland read as follows:

1 **Article - State Personnel and Pensions**

2 SUBTITLE 7. BINDING ARBITRATION.

3 3-701.

4 IN THIS SUBTITLE, "GRIEVANCE" MEANS A DISPUTE REGARDING THE
5 INTERPRETATION OR APPLICATION OF THE TERMS OF A MEMORANDUM OF
6 UNDERSTANDING NEGOTIATED AND RATIFIED UNDER THIS TITLE.

7 3-702.

8 ~~(A) A GRIEVANCE THAT ARISES IN A BARGAINING UNIT WITH AN EXCLUSIVE
9 REPRESENTATIVE IS SUBJECT TO BINDING ARBITRATION BEFORE A NEUTRAL
10 ARBITRATOR.~~

11 ~~(B) BINDING ARBITRATION SHALL BE CONDUCTED IF REQUESTED BY THE
12 APPOINTING AUTHORITY OR THE EXCLUSIVE REPRESENTATIVE OF THE BARGAINING
13 UNIT IN WHICH THE GRIEVANCE AROSE.~~

14 A MEMORANDUM OF UNDERSTANDING MAY PROVIDE FOR BINDING
15 ARBITRATION OF ANY GRIEVANCE THAT THE PARTIES HAVE AGREED IS SUBJECT TO
16 ARBITRATION.

17 ~~3-703.~~

18 ~~THE APPOINTING AUTHORITY AND THE EXCLUSIVE REPRESENTATIVE SHALL
19 SELECT AN ARBITRATOR BY MUTUAL AGREEMENT OR BY ALTERNATING STRIKES
20 FROM A LIST THAT:~~

21 ~~(1) IS PROVIDED BY THE FEDERAL MEDIATION AND CONCILIATION
22 SERVICE; AND~~

23 ~~(2) CONSISTS OF NINE LABOR ARBITRATORS WHO ARE MEMBERS OF
24 THE NATIONAL ACADEMY OF ARBITRATORS.~~

25 ~~3-704.~~

26 ~~(A) AN ARBITRATOR SELECTED UNDER § 3-703 OF THIS SUBTITLE MAY:~~

27 ~~(1) CONVENE AND CONDUCT AN EVIDENTIARY HEARING;~~

28 ~~(2) ISSUE SUBPOENAS TO COMPEL THE ATTENDANCE OF WITNESSES
29 AND THE PRODUCTION OF DOCUMENTS AND OTHER TANGIBLE EVIDENCE;~~

30 ~~(3) HEAR EVIDENCE AND RULE ON THE ADMISSIBILITY OF EVIDENCE;~~

31 ~~(4) DETERMINE WHICH ISSUES ARE IN DISPUTE; AND~~

32 ~~(5) ISSUE A FINAL, BINDING RULING ON THE GRIEVANCE.~~

1 (B) ~~IF A PERSON FAILS TO COMPLY WITH A SUBPOENA ISSUED UNDER THIS~~
2 ~~SECTION OR FAILS TO TESTIFY ON A MATTER ON WHICH THE PERSON LAWFULLY~~
3 ~~MAY BE INTERROGATED, ON PETITION OF THE ARBITRATOR, A COURT MAY:~~

4 (1) ~~PASS AN ORDER DIRECTING COMPLIANCE WITH THE SUBPOENA OR~~
5 ~~COMPELLING TESTIMONY; AND~~

6 (2) ~~ENFORCE THE ORDER BY PROCEEDINGS OF CONTEMPT.~~

7 ~~3-705.~~

8 ~~AN ARBITRATOR SHALL DELIVER A COPY OF A RULING AND A WRITTEN~~
9 ~~STATEMENT THAT EXPLAINS THE REASONS FOR THE RULING TO THE EXCLUSIVE~~
10 ~~REPRESENTATIVE AND THE APPOINTING AUTHORITY.~~

11 ~~3-706.~~

12 ~~THE COSTS OF BINDING ARBITRATION, INCLUDING AN ARBITRATOR'S FEES AND~~
13 ~~OTHER COSTS RELATED TO A HEARING, CONDUCTED UNDER THIS SUBTITLE SHALL~~
14 ~~BE PAID EQUALLY BY THE APPOINTING AUTHORITY AND THE EXCLUSIVE~~
15 ~~REPRESENTATIVE.~~

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
17 October 1, 2004.